

# Police Militarization in a Democratic Society

*By Jay Fortenbery, Ph.D.*



In a democratic society, law enforcement officers prevent social disorder, protect the public, and reduce crime while respecting the inherent freedoms of those they serve. Sworn personnel, police administrators, and legislators strive to keep this delicate balance so officers do not appear like an occupying force.

However, agencies also must have the capability to address the criminal element of society. Over the years, lawless individuals and groups have used weapons that continue to become more lethal. In response, officers have needed more advanced training and equipment. This has led to police departments sometimes having a military-like appearance.<sup>1</sup>

## History of Policing

### Constitutional Protection

The American Revolution began partly because King George III of Great Britain sent military troops to control the colonists by monitoring them and acting as police officers in some situations. During the Boston Massacre, British soldiers operated in this capacity and clashed with civilians. People still debate the exact cause of this incident, but five citizens died after occupying troops fired into the unruly crowd.<sup>2</sup>

Aware of the dangers of a police state, the U.S. founding fathers established protections that separate the military from local law enforcement. To this end, the Third Amendment—which prohibits the quartering of troops—reflects the spirit of the time.<sup>3</sup>



Dr. Fortenbery, a retired chief of police, is an assistant professor of criminal justice at Elizabeth City State University in North Carolina.

## **Foundations of Law Enforcement**

Years later, the principles of Sir Robert Peel's Metropolitan Police Act of 1829 largely shaped police departments, even those of today. Peel envisioned professional law enforcement organizations that would not function as occupying forces to control law and order. Instead, he wanted officers simply to intertwine with citizens and enforce the law with the least amount of force necessary.<sup>4</sup>

Peel's philosophy included statements, like "[T]he police are the public and the public are the police" and "The ability of the police to perform their duties is dependent upon public approval of police existence, actions, and behavior and the ability of the police to secure and maintain public respect." He emphasized that communities need officers to prevent crime and disorder, but not to infringe on personal freedoms. According to Peel, law enforcement can gain acceptance among citizens in a free society only through this approach.<sup>5</sup>

## Evolution of American Agencies

As U.S. cities grew, the need for organized police forces became increasingly apparent. Large metropolitan areas, like Boston and Philadelphia—with diverse ethnic and financial populations—began experiencing crime beyond the local constable's capabilities.<sup>6</sup>

In 1845, New York City started the first modern law enforcement agency.<sup>7</sup> Early departments, such as this one, focused their resources and tactics on the community's problems, like today's agencies. Whether robbery, gambling, prostitution, loitering, or other disturbances occurred, the first departments reacted to these issues with the knowledge, skills, and tools available to them at the time.

These early American police agencies faced problems that led to the push for professional standards. Many cities did not have a formal process for hiring or training officers, and some corruption took place.<sup>8</sup>

## Modern Organizations

People consider August Vollmer, chief of police in Berkley, California, from 1905 until 1932, the major influence on the professionalism of the modern agency. He instituted patrol vehicles; radios; and various investigative techniques—many still practiced—to fight crime more effectively.<sup>9</sup>

Throughout recent law enforcement history, departments have adapted their techniques, workforce, and policies according to their communities and the criminal elements within. This sometimes has led to officers having a military-like appearance.

Today's police organizations commonly feature the rank-and-file structure of the armed forces, mostly because military veterans often have comprised or led early departments. Law enforcement agencies operate well when employing such systems as unity of command and span of control. A strict authority structure ensures that subordinate personnel take appropriate action during situations involving life and death, gunfire, and chaos.<sup>10</sup>

# Militarization

## Trends

During the 1920s, police departments faced rising violence associated with mobs and gangsters who controlled the majority of the illegal liquor industry during the Prohibition. The stock market crash of 1929 triggered the Great Depression and the rise of even more such notorious figures, such as Pretty Boy Floyd, Bonnie and Clyde, Machine Gun Kelly, and John Dillinger.<sup>11</sup>

These dangerous criminals used powerful high-capacity weapons combined with military-style assault techniques that forced law enforcement agencies to change their firearms and tactics. The FBI and local police departments began adding automatic weapons and rifles to their arsenals, which previously only consisted of revolvers and shotguns.<sup>12</sup>

In the 1960s, law enforcement agencies faced new issues, causing them to make further changes. The hippie movement promoted drugs, and the Vietnam War and Civil Rights Movement sparked massive demonstrations. These incidents often started out peacefully only to erupt in violence, causing police to react in kind. Availability of firearms also increased

among unlawful groups. Officers began using military-style weapons, such as tear gas and other less lethal methods, to disperse crowds. Government leaders called upon the military or National Guard to assist police in the worst cases.<sup>13</sup>

This trend continued into the 1970s as agencies also began dealing with highly armed groups, like the Ku Klux Klan and the Black Panther Party. These issues, combined with police shootouts and nationally publicized mass civilian killings—like the University of Texas clock tower shooting in 1966—motivated the Los Angeles Police Department (LAPD) to create the first SWAT team.<sup>14</sup>

Later, SWAT units expanded to other agencies as police used military-style weapons and assault tactics in mostly urban environments to deal with particularly dangerous situations. Some people loved the teams, while others feared them. Municipal governments mainly cared that these units managed their tasks well.<sup>15</sup>

During the 1980s and 1990s, the War on Drugs, brought on in part by the crack cocaine epidemic, escalated nationwide, as did the emergence of criminal street gangs and associated violence. The Firearms Owners' Protection Act, Brady Handgun Violence Prevention Act, and similar measures did little to keep weapons out of the hands of emerging gangs, and violent crime rose across the country throughout this period.<sup>16</sup>

SWAT team usage increased and became a primary drug enforcement method. Legislatures and elected officials increased the authority of police by allowing no-knock warrants and circumventing previous rulings based on the Castle Doctrine that limited officer freedoms in obtaining and executing search warrants. The public concern and fear of crime across the United States helped motivate the support of laws that strengthen police powers.<sup>17</sup>

## Current Period

Marked by the February 1997 shootout in North Hollywood, California; April 1999 Columbine High School massacre; and events of 9/11, the modern era has opened even more doors and enhanced support for increased militarization of police departments in the United States and around the world.<sup>18</sup>

The botched robbery and subsequent shootout in North Hollywood highlighted the need for law enforcement agencies across the country to transition from shotguns to assault rifles. The two subjects had high-powered assault rifles and wore body armor that defended them from the small-caliber handguns and shotguns held by the police.<sup>19</sup>

Outgunned officers resorted to borrowing firearms from local gun dealers to stop the heavily armed suspects. Off-duty members of the LAPD SWAT team responded and stopped one perpetrator, while the other ended his own life.<sup>20</sup>

The 2004 expiration of the Brady Bill may have provided additional opportunities for criminally minded individuals to obtain high-capacity assault weapons for use against the public or the police.<sup>21</sup> Most agencies have transitioned to these firearms in response to the increased numbers used by lawless persons.<sup>22</sup>

Government agencies have supported such efforts of police departments in fighting the spread of drugs and violent crime. Among these organizations, the U.S. Department of Defense's Law Enforcement Support Office (LESO) and the U.S. Department of Justice's former Law Enforcement Assistance Administration (LEAA) have given millions of dollars in surplus military equipment—including rifles and handguns, armored vehicles, battle-dress uniforms, helicopters, ballistic helmets, and body armor.<sup>23</sup> This has resulted in a more militaristic-looking and -acting police force. How police agencies use this equipment and train their officers in military tactics have become important topics for discussion.

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## Use of Tactical Teams

As of 1995, 89 percent of police departments serving populations of 50,000 or more citizens have tactical teams. This shows significant growth since 1982, when only 59 percent of surveyed agencies had such units. Some jurisdictions have expanded their roles to include not only high-risk warrant service but also patrol functions.<sup>24</sup>

Further, deployments of the teams have increased. Between 1980 and 1983, call outs typically occurred 13 times per year, as compared with 1997, when they averaged weekly. Most of the deployments did not relate to hostage incidents, barricaded subject situations, or other armed encounters, but to dangerous drug raids or even patrol work—perhaps to address gang activity.<sup>25</sup>

The level of militarization of a police department appears to correlate with the criminal activity faced by the agency or community. A recent study found that different areas of the world have unique problems, and agencies respond with appropriate measures.<sup>26</sup>

### **International Practices**

Inundated with terrorism and surrounded by hostile forces, the Israel Police understandably uses a more militaristic approach. The creation of special counterterrorist and other units within its patrol division serves as a response to the particular issues faced in the country. Citizens see the Civil Guard, a 50,000-person unit of volunteers armed with assault rifles, as a necessary and comforting part of the law enforcement function.<sup>27</sup>

Officers in the United Kingdom remain unarmed and adhere to the doctrine of minimal force. However, escalations in terrorism and violence have forced agencies to train their personnel in the use of firearms. Teams with such weapons now can deploy to volatile situations when necessary.<sup>28</sup>

Police in Turkey constitute heavily armed paramilitary units with access to powerful weapons and vehicles. SWAT-like teams have advanced training in antiterrorism tactics, largely due to the concerns in that region.<sup>29</sup>

## **Considerations for Law Enforcement**

In many ways, today's world differs from the one from 200 years ago. Law enforcement must deal with larger populations, advances in weapons of mass destruction, and increases in terrorism to effectively protect the public, prevent social disorder, and reduce crime.

However, as the saying goes, "With great power comes great responsibility."<sup>30</sup> To this end, police departments have important considerations regarding equipment and tactics. Striking the delicate balance of liberty and security proves challenging. Perhaps it cannot be done with absolute precision.

### **Community Relations**

Law enforcement agencies and the general public face the question of how far the militarization of a police force can go and how often such resources should deploy before impacting individual freedoms. While they desire safety and security, citizens want as much freedom as possible. As a result, some people think that departments need to be reformed and the use of tactical teams limited.

Modern agencies must use restraint and wise judgment when employing tactical teams or risk having the appearance of an occupying military force instead of a friendly and approachable police department. The possibility also may exist for civil liability issues.

Increased militarization of law enforcement agencies is a double-edged sword. Some individuals suggest that officers serve as the frontline defense and must have the equipment and training to handle the worst situations. Other people argue that increased use of tactical teams breaks down community relations and causes more violence than these units subdue.

Some particularly dangerous situations require a response from tactical teams. However, agencies may overuse such units. For instance, departments have sent these teams to raid poker games and bingo halls or conduct low-risk search warrants.<sup>31</sup>

Leaders should put considerable thought into their use policy. Deployment of militaristic teams outside of traditionally accepted situations may counteract relation building and policing in the community.<sup>32</sup> Officers work hard to cultivate such relationships by conducting foot patrols and getting to know people in neighborhoods. Police patrolling in full military gear can appear intimidating and less approachable to the general public.<sup>33</sup>

Operation of military-style vehicles presents another concern to some people in communities and contributes to the perception of overmilitarization. In 1997, an average of 13 percent of departments with teams also had armored personnel carriers, and that number has grown with the increased availability of equipment resulting from troop reductions in the Middle East.<sup>34</sup>

## Safety Considerations

Many people believe that the justifications and demands for SWAT and other specialized response teams seem clear in modern society, particularly when news outlets report on the latest school shooting, workplace killing, or terrorist attack. Certainly, officers must have the training and equipment to successfully defeat the criminal element and protect the public.

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A SWAT unit can serve as an “insurance policy” against any considerable violence that may occur. Perhaps it is better to have a team and not need it than to need it and not have it. A show of force by tactical units may convince criminals to give up without a fight. When used properly, such a show of force can save lives otherwise lost if suspects feel they have a chance against the authorities. Militarization of the police may help reduce the use of force against offenders and law enforcement.<sup>35</sup>

When considering the necessity of tactical teams, some people apply the Powell Doctrine to law enforcement. According to this mind-set, police should react to situations with a show of overwhelming force to subdue an adversary with the least amount of damage possible. In reference to his military philosophy, General Colin Powell stated, “When force is used, it should be with overwhelming strength and no halfway measures. Decisive force ends wars quickly and saves lives in the long run.”<sup>36</sup>

## Officers’ Mind-Set

Police officers may favor a militarized police force. The typical personality of an officer centers on authority, efficiency, and response to danger.<sup>37</sup> These elements combined provide the backbone of support for militarization in law enforcement agencies. Officers’ need to contend with dangerous situations reinforces the masculinity associated with tactical teams.

High levels of physical fitness, weapons training, and accuracy all comprise parts of the process involved with these units. Officers who seek participation in and gain selection for tactical teams usually possess masculine characteristics similar to that of soldiers in the military, perhaps causing them to resist the idea of a demilitarized police force.

## Conclusion

History has shown that law enforcement agencies in the United States began based on Peelian principles and have taken deliberate steps not to appear as an occupying military force controlling the populace. Police mainly exist to maintain order, and those in a democratic society must do so under the rule of law.

But, to do the job effectively, agencies need to keep up with the technological and conceptual advances of the criminal element. The crime waves associated with mob violence and advances in modern weaponry pushed officers of that era to react in kind to survive and perform effectively. When criminals started using machine guns on police and citizens, agencies bought and issued such firearms to fight back.

Militarization of agencies has continued to evolve. Departments need to have the training and equipment to carry out their mission while honoring the rights of citizens. By doing so, they can protect and serve while maintaining a positive relationship with the public.

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*Dr. Fortenbery can be reached at [jfortenbery@ecs.u.edu](mailto:jfortenbery@ecs.u.edu).*

## Endnotes

<sup>1</sup> For additional information, see Scott W. Phillips, "Police Militarization," *FBI Law Enforcement Bulletin*, August 14, 2017, accessed March 9, 2018, <https://leb.fbi.gov/articles/featured-articles/police-militarization>; and C. Sidney Heal, "Societal Trends Facing Law Enforcement," *FBI Law Enforcement Bulletin*, November 9, 2015, accessed March 9, 2018, <https://leb.fbi.gov/articles/featured-articles/societal-trends-facing-law-enforcement>.

<sup>2</sup> "What Made the Boston Massacre a Massacre," Boston Massacre Historical Society, accessed March 5, 2018, <http://www.bostonmassacre.net/academic/essay4.htm>.

<sup>3</sup> U.S. Constitution, amend. 3; and Radley Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces* (New York, NY: PublicAffairs, 2013).

<sup>4</sup> Balko, *Rise of the Warrior Cop*; and Jerome H. Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society*, 4th ed. (New Orleans, LA: Quid Pro Books, 2011).

<sup>5</sup> Durham Constabulary (United Kingdom), *Sir Robert Peel's Principles of Law Enforcement 1829*, accessed March 5, 2018, [https://www.durham.police.uk/About-Us/Documents/Peels\\_Principles\\_Of\\_Law\\_Enforcement.pdf](https://www.durham.police.uk/About-Us/Documents/Peels_Principles_Of_Law_Enforcement.pdf).

<sup>6</sup> Balko, *Rise of the Warrior Cop*.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Radley Balko, "As the Drug War Escalates, SWAT Teams Become 'Bullies with Badges And Guns,'" *Huffington Post*, October 25, 2013, accessed March 5, 2018, [https://www.huffingtonpost.com/2013/10/25/utah-police-reform\\_n\\_4150625.html](https://www.huffingtonpost.com/2013/10/25/utah-police-reform_n_4150625.html); and Nathan F. Iannone, *Supervision of Police Personnel*, 4th ed. (Upper Saddle River, NJ: Prentice-Hall, 1987).

<sup>11</sup> "Gangsters, Mobsters & Outlaws of the 20th Century," Legends of America, accessed March 5, 2018, <https://www.legendsofamerica.com/20th-gangsters/>.

<sup>12</sup> Edward Leach, "Applying the Powell Doctrine to Law Enforcement," abstract, *Police Chief* 68, no. 10 (October 2001), accessed March 13, 2018, <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=191874>.

<sup>13</sup> Balko, *Rise of the Warrior Cop*; and "The Vietnam War and The Civil Rights Movement," American Studies Today Online, February 20, 2014, accessed March 5, 2018, [http://www.americansc.org.uk/Online/Vietnam\\_Civil\\_Rights.htm](http://www.americansc.org.uk/Online/Vietnam_Civil_Rights.htm).

<sup>14</sup> Balko, *Rise of the Warrior Cop*; "Ku Klux Klan," Southern Poverty Law Center, accessed March 5, 2018, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/ku-klux-klan>; Garrett Albert Duncan, "Black Panther Party," Encyclopedia Britannica, accessed March 5, 2018, <https://www.britannica.com/topic/Black-Panther-Party>; and Associated Press, "Beginning of an Era: The 1966 University of Texas Clock Tower Shooting," *NBC News*, August 1, 2016, accessed March 5, 2018, <https://www.nbcnews.com/news/us-news/beginning-era-1966-university-texas-clock-tower-shooting-n620556>.

<sup>15</sup> Balko, *Rise of the Warrior Cop*.

<sup>16</sup> Ibid; U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reporting, *Crime in the United States 1999*, Table 1, Index of Crime, United States: 1980-1999, accessed March 22, 2018, [https://ucr.fbi.gov/crime-in-the-u.s/1999/table1\\_crime80-99.xls](https://ucr.fbi.gov/crime-in-the-u.s/1999/table1_crime80-99.xls); Firearms Owners' Protection Act, Public Law 99-308, 99th Cong., 49th sess. (May 19, 1986); and Brady Handgun Violence Prevention Act, Public Law 103-159, 103rd Cong., 1st sess. (November 30, 1993).

<sup>17</sup> "Castle Doctrine from State to State," South University, July 15, 2011, accessed March 6, 2018, <https://www.southuniversity.edu/whoweare/newsroom/blog/castle-doctrine-from-state-to-state-46514>; and Peter B. Kraska, "Militarization and Policing—Its Relevance to 21st Century Police," *Policing: A Journal of Policy and Practice* 1, no. 4 (January 2007): 501-13, accessed March 6, 2018, <https://cjmasters.eku.edu/sites/cjmasters.eku.edu/files/21stmilitarization.pdf>.

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<sup>19</sup> Smith and Mather.

<sup>20</sup> "Botched L.A. Bank Heist Turns into Bloody Shootout," *CNN*, February 28, 1997, accessed March 9, 2018, <http://www.cnn.com/US/9702/28/shootout.update/>.

<sup>21</sup> Associated Press, "Congress Lets Assault Weapons Ban Expire," *NBC News*, September 13, 2004, accessed March 9,



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<sup>22</sup> IACP National Law Enforcement Policy Center Board, "The Patrol Rifle: Considerations for Adoption and Use," *The Police Chief*, February 2007, accessed March 22, 2018, <http://studylib.net/doc/8670144/the-patrol-rifle--considerations-for-adoption-and-use>.

<sup>23</sup> U.S. Department of Defense, Defense Logistics Agency, *Law Enforcement Support Office*, accessed March 13, 2018, <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement.aspx>; and U.S. Department of Justice, Office of Justice Programs, *LEAA/OJP Retrospective: 30 Years of Federal Support to State and Local Criminal Justice*, July 11, 1996, accessed March 13, 2018, <https://www.ncjrs.gov/pdffiles1/nij/164509.pdf>.

<sup>24</sup> Kraska.

<sup>25</sup> *Ibid.*; and Balko, *Rise of the Warrior Cop*.

<sup>26</sup> M.R. Haberfeld and Ibrahim Cerrah, eds., *Comparative Policing: The Struggle for Democratization* (Thousand Oaks, CA: SAGE Publishing, 2007).

<sup>27</sup> *Ibid.*; and Israel Police, accessed March 13, 2018, [https://www.police.gov.il/Eng\\_HomePage.aspx](https://www.police.gov.il/Eng_HomePage.aspx).

<sup>28</sup> Haberfeld and Cerrah; and Akshat Rathi, "Even with All These Terror Attacks, It's Still Very Rare to See Police with Guns in England," *Quartz*, June 4, 2017, accessed March 13, 2018, <https://qz.com/998266/london-attack-how-the-uk-police-deal-with-a-terrorist-attack-when-most-officers-dont-carry-guns/>.

<sup>29</sup> Haberfeld and Cerrah.

<sup>30</sup> "With great power comes great responsibility," Quote Investigator, accessed March 13, 2018, <https://quoteinvestigator.com/2015/07/23/great-power/>.

<sup>31</sup> Balko, *Rise of the Warrior Cop*.

<sup>32</sup> Kraska.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> Leach.

<sup>36</sup> *Ibid.*

<sup>37</sup> Skolnick.